

Remarks

Claims 5, 8, 12-16, 20-22, 26, and 29 are currently pending. Claims 5, 12, 26 and 29 are amended. No new matter has been added. Claims 1, 3, 4, 7, 11, 17-19, 23, 25, 28 and 31 have been canceled. For the following reasons, Applicants submit the presently pending claims are allowable in view of the prior art of record.

Applicants note the Interview Summary issued by the Examiner on September 6, 2007 summarizing the Examiner interview of May 30, 2007. Applicants respectfully direct the Examiner's attention to the Statement of the Substance of the Interview provided by Applicants in the Reply to Office Action filed on August 6, 2007 in response to the Office Action of February 6, 2007.

Rejection of claims under 35 U.S.C. § 103(a)

Claims 5, 8, 12-16, 20-22, 26, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,717,989 issued to Tozzoli et al. (hereinafter referred to as "Tozzoli") and further in view of "Examining cash-flow forecasts" by Packeer Mohamad (hereinafter referred to as "Mohamad"). Applicants respectfully request withdrawal of these rejections because neither Tozzoli nor Mohamad, either alone or in combination, teach or suggest all elements of independent claims 5, 26 and 29.

Aspects of the present invention, as disclosed and claimed herein, improve upon the Tozzoli system by at least providing the following:

- evaluating a buyer's cumulative credit exposure that is anticipated to exist over a forward-looking period of time (i.e., determining a buyer's anticipated cumulative credit exposure)
- communicating the buyer's anticipated cumulative credit exposure to the seller and to the buyer
- monitoring the assurability of a transaction over the forward-looking period of time based on the buyer's anticipated cumulative credit exposure
- communicating to the buyer and to the seller a future time at which the transaction would be assurable and would be fully assurable through the system based on the buyer's anticipated cumulative credit exposure
- presenting, on a computer of the seller and a computer of the buyer, a graphical display indicating the buyer's anticipated cumulative credit exposure as a function of time
- presenting, on a computer of the seller and a computer of the buyer, a graphical display indicating a time in the future at which the first transaction

would be assurable and would be fully assurable based on the buyer's anticipated cumulative credit exposure

- dynamically adjusting the buyer's anticipated cumulative credit exposure based at least on invoice payments made by the buyer
- dynamically adjusting the graphical display based on adjustments to the buyer's anticipated cumulative credit exposure

At least paragraph 110 of the published application describes the ability of the improved system to monitor the assurability of a transaction and to determine when a transaction is assurable or completely assurable based on dynamic updating of the buyer's cumulative credit exposure anticipated to exist over a forward-looking period of time:

Additionally, in some instances where a buyer is over assurance limits, the trade program 502, by monitoring anticipated buyer credit exposure, can communicate messages to the seller or the buyer indicating future dates at which the buyer's credit exposure is anticipated to drop to the extent that assurance, or complete assurance, may be available. Further, if a buyer's credit exposure drops due to payment on an invoice, for example, the trade program can automatically monitor the buyers credit exposure, detect the drop caused by the payment, and, if appropriate, inform the seller or the buyer that a transaction or a proposed transaction has become assurable. Still further, such informing can take the form of a communicated graphical representation, for example, indicating credit exposure as a function of time as well as an anticipated date at which assurance is anticipated to be available (Emphasis added).

At least paragraphs 102-104 of the published application describe the dynamic updating of the buyer's cumulative credit exposure anticipated to exist over a forward-looking period of time. These features of the present invention provide a forward-looking perspective on the buyer's anticipated credit exposure which is used to provide dynamic assurability monitoring of a transaction that is not taught or suggested by Tozzoli. Representative independent claim 1 recites, *inter alia*, these features as follows:

means for **electronically communicating the buyer's anticipated cumulative credit exposure to the seller** and to the buyer;

means for electronically providing, in a first transaction between a first seller and a first buyer, if a first buyer's cumulative credit

exposure is less than a first predefined maximum cumulative credit exposure for the first buyer, providing an opportunity for the first seller to obtain buyer credit assurance to insure against risk of loss to the first seller resulting from failure of the first buyer to make a required payment in connection with the first transaction, the buyer credit assurance being available up to the predefined maximum cumulative credit exposure;

means for **monitoring the assurability of the first transaction over the period of time based on based on the buyer's anticipated cumulative credit exposure;**

means for electronically **indicating to the first buyer and the first seller a future time at which the first transaction would be assurable and would be fully assurable through the system based on the buyer's anticipated cumulative credit exposure;** and

means to present, on a computer of the seller and a computer of the buyer, a **graphical display indicating the buyer's anticipated cumulative credit exposure as a function of time and indicating the future time at which the first transaction would be assurable and would be fully assurable**, wherein the graphical display is adjusted based on adjustments to buyer's anticipated cumulative credit exposure. (Emphasis added)

In contrast to the present invention, Tazzoli is limited to providing a snapshot of present credit information that is not forward-looking. Because Tazzoli fails to teach or suggest the evaluation of credit exposure in a forward-looking manner, Tazzoli also fails to teach or suggest the forward-looking assurability monitoring features of the present invention. Further, Tazzoli also necessarily fails to teach or suggest indicating to a buyer and a seller a future time when a particular transaction is assured or completely assured based on the buyer's anticipated cumulative credit exposure and any adjustments to the buyer's anticipated cumulative credit exposure over time. Additionally, Tazzoli fails to teach or suggest providing a graphical display of (a) the buyer's anticipated cumulative credit exposure as a function of time and (b) an indication of a future time when a particular transaction would be assured and fully assured. Applicants note that the chart on col. 10 of Tazzoli cited by the Office Action is not a graphical display as that term is claimed and described in the specification and understood by one having ordinary skill in the relevant arts. For at least these reasons, Applicants request that the rejections of independent claims 5, 26 and 29 be reconsidered and withdrawn.

Claims 8 and 12-16 and 20-22 depend from independent claim 5 and are allowable for at least the reasons applicable to claim 5, as well as due to the features recited therein.

Request for Interview

In order to advance prosecution, Applicant hereby requests an interview be conducted between Applicants' representative Wesley Jones and the Examiner if the Examiner does not believe the § 103 rejections are overcome by the amendments and arguments presented in this paper. Applicant respectfully requests the Examiner to contact Applicants' undersigned representative at the number provided below to arrange the interview based on the Examiner's availability.

CONCLUSION

Applicants respectfully request entry of the above amendments and favorable action in connection with this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4419 to discuss any matter concerning this application.

All claims are allowable. Allowance is solicited.

Respectfully submitted,

KENYON & KENYON LLP

Dated: March 6, 2008

By: /Wesley W. Jones/
Wesley W. Jones
(Reg. No. 56,552)

KENYON & KENYON LLP
1500 K Street, NW, Suite 700
Washington, DC 20005-1257
Telephone: (202) 220-4419
Facsimile: (202) 220-2201